

FILED
 UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA 08 APR -7 AM 11:14

UNITED STATES OF AMERICA,

Plaintiff,

v.

Angel Guadencio QUINTERO-Ochoa,

Defendant

Magistrate Docket No. 08 MJ 1070


BY: EL
COMPLAINT FOR VIOLATION OF DEPUTY

Title 8, U.S.C., Section 1326
 Deported Alien Found in the
 United States

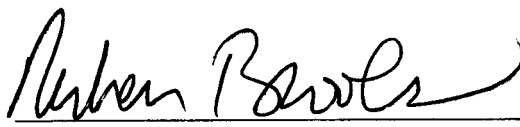
The undersigned complainant, being duly sworn, states:

On or about **April 4, 2008** within the Southern District of California, defendant, **Angel Guadencio QUINTERO-Ochoa**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


 SIGNATURE OF COMPLAINANT
 James Trombley
 Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7th DAY OF **APRIL 2008**


 Ruben B. Brooks
 UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Angel Guadencio-QUINTERO-Ochoa

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On April 4, 2008, Border Patrol Agent G. Tiscareno was performing sensor response duties on the All Terrain Vehicle Unit (ATV) east of the Otay Mesa, California, Port of Entry. At approximately 3:20 A.M. Agent Tiscareno responded to a sensor intrusion device located in an area known as, "Windmill Canyon". This area is located approximately three miles east of the Otay Mesa, California Port of Entry and approximately two miles north of the United States/Mexico international boundary. This area is a commonly used route for individuals that are trying to further their illegal entry into the United States.

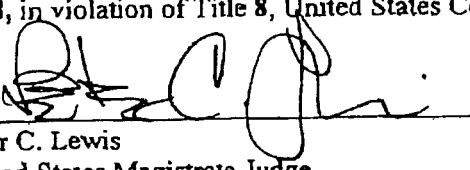
As the Agent approached the area, he observed a group of individuals traveling west bound near the creek bed in the bottom of the canyon. As the Agent approached the individuals they lay down and attempted to conceal themselves in the high brush. Agent Tiscareno approached the group of individuals and saw twelve individuals laid up in the high brush. The Agent then identified himself as a United States Border Patrol Agent. He then questioned the twelve individuals as to what country they are citizens and nationals of. All twelve individuals to include one later identified as the defendant Angel Guadencio QUINTERO-Ochoa stated, "Mexico". Agent Tiscareno then questioned the defendant and the other eleven individuals if they had any immigration documents that would allow them to enter or remain in the United States legally. All individuals to include the defendant stated, "no". At approximately 3:30 A.M., Agent Tiscareno placed the defendant and the other individuals under arrest and had them transported to the Chula Vista Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on June 26, 2000 through Calexico, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on April 5, 2008 at 9:00am.


Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on April 4, 2008, in violation of Title 8, United States Code, Section 1326.


Peter C. Lewis
United States Magistrate Judge

4-5-08 @ 11:16 a.m.
Date/Time